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Dated: March 7, 2008 Signature: Elaine Leahy
(Elaine Leahy)

Docket No.: WYTH-P01-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kuai et al.

Application No.: 10/523328

Confirmation No.: 8048

Filed: June 13, 2005

Art Unit: 1649

For: METHODS AND REAGENTS RELATING TO
INFLAMMATION AND APOPTOSIS

Examiner: Gregory S. Emch

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Reply is being filed in response to the Restriction Requirement as set forth in the Office Action mailed August 27, 2007 and the Office Communication mailed January 11, 2008 in connection with the above application.

To the extent that the Examiner requires Applicants to elect a species out of the following polypeptides: NAK, RasGAP3, TRCP1, and TRCP2, Applicants already elected TRCP1 as a species *with traverse and for search purposes only* in the Response filed on October 3, 2007.

To the extent that the Examiner requires Applicants to elect a species out of the following TNF-alpha receptors: TNFR1 and TNFR2, Applicants elected TNFR1 as a species *with traverse and for search purposes only*. Presently, claims 1-12, 17, 22-25, 33-37, 39, 44-52, and 56 read on the elected species.

To the extent that the Examiner requires Applicants to elect a species out of the following polypeptides: TRADD, TRAF2, and TRAP2, Applicants elected TRAP2 as a species *with traverse and for search purposes only*. Presently, claims 1-12, 17, 22-25, 33-37, 39, 44-52, and 56 read on the elected species.

Pursuant to MPEP 809.04, “[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim.” Thus, restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim (MPEP 809). In other words, upon the allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141 (MPEP 809.02(a)).

This response is accompanied by a request for a one-month extension of time and appropriate fees. If an addition fee is due, please charge our Deposit Account No. 18-1945, under Order No. **WYTH-P01-001** from which the undersigned is authorized to draw.

Dated: March 7, 2008

Respectfully submitted,

By 

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